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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

In re E.H., a Person Coming Under the  
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

E.H.,

Defendant and Appellant.

A155115

(Alameda County  
Super. Ct. No. JV-027967-02)

E.H. (minor), born in November 1999, appeals from the juvenile court's jurisdictional and dispositional orders placing him on non-wardship probation after finding he committed first degree burglary (Pen. Code, § 459). Appellate counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 and requests that we conduct an independent review of the record. Minor was informed of his right to file a supplemental brief and did not do so. Having independently reviewed the record, we conclude there are no issues that require further briefing and affirm the judgment.

**FACTUAL AND PROCEDURAL BACKGROUND**

On August 3, 2017, a juvenile wardship petition was filed in Sacramento County Superior Court charging minor with first degree burglary (Pen. Code, § 459). The petition was based on an incident that occurred at the home of Y.S., who lived alone in a two-bedroom apartment in Sacramento County. Y.S. had short-term memory issues and

was receiving daily assistance from a woman named D.B., who provided him with caregiving services such as driving, shopping, and housekeeping.

On October 15, 2015, D.B. went to Y.S.'s apartment and cleaned it. Y.S. left the apartment with his brother at about 1:30 p.m. that day, and D.B. stayed a little while longer and locked the door to the apartment as she left.

When D.B. returned to Y.S.'s apartment the next day, she noticed right away that "something . . . wasn't normal." Y.S. told her he was missing \$5, and the milk carton was on the floor, which was unusual. D.B. looked through Y.S.'s couch and love seat but was not able to find the money. D.B. also went inside a spare bedroom that Y.S. did not use and noticed the bed was pulled away from the wall and the pillows "were down." There was a cell phone with a cracked screen on the bed. She assumed the cell phone belonged to Y.S.'s nephew, so she carried the phone out of the bedroom and set it on the counter.

D.B. then went back to the spare bedroom to fix the bed. As she pulled the pillows up from behind the bed, she saw black tennis shoes. When the shoes began to move, D.B. realized there was someone there and yelled. She rushed out of the room, closed the door, and called 911. While she was on the phone, she heard noise in the spare bedroom. She looked out a window and saw the screen from the spare bedroom window outside on the lawn. She realized "the person had jumped out the window . . ."

D.B. never saw the person running away and did not know what he looked like but assumed the person was a male based on the clothes and shoes she saw. When D.B. returned to the spare bedroom, she found a pair of pliers there that she had never seen before. She also found an empty package of cookies under the bed. She looked inside the closet and made sure there was no one inside the closet.

Officers arrived and dusted for prints. One latent print was lifted from the interior of the window of the spare bedroom, and another print was lifted from the empty cookie package. According to a fingerprint specialist, the prints lifted from the apartment belonged to minor.

A detective specializing in examining data from cell phones downloaded data from the cell phone D.B. had found. The detective discovered an e-mail address consisting of a nickname for minor's first name, his last name, and his birth year. The e-mail address was associated with a Facebook account. A name similar to minor's also appeared as a user name for a Snapchat account. Two pictures were also found on the phone, including a selfie that depicted minor.

Minor took the stand in his own defense. He testified that he and a friend named Jesse were in the neighborhood knocking on doors and offering to clean and rake leaves for pay. When they knocked on Y.S.'s door, Y.S. agreed to have minor and Jesse take out his trash, clean, and sweep his patio. Minor cleaned the windows and swept the patio, and Jesse took out the trash. While Y.S. was not looking, minor grabbed a couple of Y.S.'s cookies. Y.S. paid minor and Jesse \$10 each, and minor and Jesse left.

Minor testified that his mother had given him the cell phone that D.B. found on the bed. Minor already had a better phone and Jesse needed a phone, so minor gave the phone to Jesse. Before giving the phone to Jesse, minor used it for about two to three weeks and logged onto his Facebook and Snapchat accounts on the phone. He acknowledged that the e-mail address that was recovered belonged to him and that he was the one depicted in the photographs that were recovered.

The juvenile court detained minor and found he was not eligible for deferred entry of judgment. Following a contested jurisdictional hearing, the court sustained the petition and thereafter transferred the matter to Alameda County Superior Court for disposition. Alameda County Superior Court accepted the transfer, scheduled a dismissal hearing, and placed minor on non-wardship probation with various conditions.

### **DISCUSSION**

Appellate counsel has filed a brief pursuant to *People v. Wende, supra*, 25 Cal.3d 436, and asks this court to independently review the entire record to determine if it contains any issues which would, if resolved favorably to minor, result in reversal or modification. We have examined the entire record and have found no reasonably arguable appellate issue, and we are satisfied that counsel has fully complied with his

responsibilities. (*People v. Kelly* (2006) 40 Cal.4th 106, 109–110; *People v. Wende*, *supra*, 25 Cal.3d at p. 441.)

**DISPOSITION**

The judgment is affirmed.

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Wiseman, J.\*

WE CONCUR:

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Siggins, P. J.

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Fujisaki, J.

A155115/*In re E.H.*

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\* Retired Associate Justice of the Court of Appeal, Fifth Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.